

Message Text

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ORIGIN NEA-09

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DRAFTED BY NEA/INS:RBMORLEY:JES

APPROVED BY NEA/INS:DKUX

EB/IFD/OIA: MR. BRODERICK

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R 251433Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

INFO AMEMBASSY LONDON

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E.O. 11652:N/A

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TAGS: ETRA, IN

SUBJECT: ARBITRATION DISPUTE

REF: STATE 37672

1. BRIDGELAND CALLED ON DEPARTMENT FEBRUARY 20 AND PROVIDED DETAILED HISTORY OF ARBITRATION PROCEEDINGS INVOLVING FCI. HE LEFT COMPREHENSIVE SET OF DOCUMENTS, COMPLETE SET OF WHICH WERE POUCHED TO EMBASSY (LANDE) FEBRUARY 21.

2. BRIDGELAND ATTEMPTED TO LINK FCI TO GOI, AND MAINTAINED THAT FCI PLOY IN ASKING INDIAN COURTS REVIEW ARBITRATION AWARD ON FACTS AND LAW SHOWED BAD FAITH ON PART GOI IN PREVENTING PAYMENT OF INTERNATIONAL ARBITRAL AWARDS TO U.S. FIRMS AND CITIZENS. HE EXPRESSED BELIEF THAT INDIA SHOULD BE CONSIDERED INELIGIBLE FOR GSP UNDER TAFT AMENDMENT.

3. BRIDGELAND WAS ADVISED THAT NO COUNTRY WOULD BE CONSIDERED INELIGIBLE FOR GSP UNDER TAFT AMENDMENT UNTIL DEPARTMENT HAD EVIDENCE THAT SUCH COUNTRY IN FACT HAD ACTED IN BAD FAITH IN RECOGNIZING AS BINDING OR ENFORCING ARBITRAL AWARDS

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IN FAVOR OF U.S. CITIZENS. HE WAS ASKED TO SUBMIT PAPER OUT-

LINING HIS UNDERSTANDING OF STATUS FCI, ITS RELATIONSHIP WITH
GOI AND CONTAINING EVIDENCE THAT FCI ACTIONS REFLECT GOI BAD

- - -

FAITH ON ARBITRATION. HE AGREED TO SUBMIT SUCH A PAPER.

4. HE ASSERTED FOREIGN AND COMMONWEALTH OFFICE IN LONDON
HAD RECEIVED NUMEROUS COMPLAINTS FROM BRITISH FIRMS REGARD-
ING ARBITRATION IN INDIA, AND THAT IT WAS HIS IMPRESSION
FOREIGN OFFICE HAD CONCLUDED INDIANS IN FACT HAVE POLICY
OF NOT HONORING ARBITRATION AWARDS. WE WOULD APPRECIATE
ANY INFORMATION EMBASSY LONDON OR EMBASSY NEW DELHI CAN
OBTAIN ON THIS. KISSINGER

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